IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.Rev.Pet.No. 1694 of 2006()

CRA.120/2003 of ADDL. SESSIONS COURT (ADHOC), KALPETTA
CC.253/2001 of JUDL.MAGISTRATE OF FIRST CLASS, SULTHANBATHERY

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REVN. PETITIONER: APPELLANT/ACCUSED

K.P.JOSEPH, S/O.POULOSE,
KATTURKUDIYIL HOUSE, PADIPARAMBU, CHULLIYODE POST,
SULTHAN BATHERY TALUK, WAYANAD DISTRICT.

BY ADV. SRI.LALJI P.THOMAS

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. C.S.RATHEESHKUMAR, S/O.SREEDHARAN,
CHATHANKUDIYIL VEEDU, KRISHNAGIRI VILLAGE,
SULTHAN BATHERY.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1694 of 2006

Dated this the 29th day of May, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to imprisonment till the rising of the court and to pay a compensation of Rs.2,25,000/- to the complainant vide Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for three months.

2. The contention of the counsel for the revision petitioner is that signature in the impugned cheque is not put by him and that he has not executed any cheque. It is seen that Ext. D1 specimen signature is of the year 1990. But Ext. P1 the impugned cheque is executed in the year 2001. It is also seen that the accused/revision petitioner did not sent any reply notice. In the circumstances, I find no reasons to interfere in the findings of the court below. The same are confirmed.

3. All the same considering the plea of the counsel for the revision petitioner, revision petitioner is granted six months'

time from today onwards to remit the amount of compensation. He shall appear before the Judicial First Class Magistrate Court-I, Sulthan Bathery on 30.11.2007 to receive the sentence. Non bailable warrant, pending, if any shall be kept in abeyance till 30.11.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl